

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X

PETER CONIGLIO; MINXUAN QUI a.k.a.  
MINXUAN QIU,

Plaintiffs,

JUDGMENT

20-cv-1342-FB

-against-

MERRICK GARLAND, in his official capacity as Attorney General of the United States; ALEJANDRO MAYORKAS, in his official capacity as Secretary of the Department of Homeland Security; TRACY RENAUD, in her official capacity as Acting Director of United States Citizenship and Immigration Services,

Defendants.

----- X

A Memorandum and Order of Honorable Frederic Block, United States District Judge, having been filed on August 17, 2021, denying the Government's motions to dismiss and for summary judgment; issuing partial judgment in favor of Qiu and Coniglio on their First and Second Claims for Relief. Celotex Corp. v. Catrett, 477 U.S. 317, 326 (1986); granting Qiu and Coniglio the following relief: (1) First, the Court SETS ASIDE USCIS's decision to revoke its prior approval of Qiu and Coniglio's Form I-130 petition pursuant to 5 U.S.C. § 706(2)(A); (2) Second, the Court DECLARES USCIS's interpretation of the phrase "had not reached the age of 18 years" in 8 U.S.C. § 1101(b)(1)(B) to be contrary to law and ENJOINS USCIS from adjudicating Qiu and Coniglio's petition based upon its unlawful interpretation; (3) Third, the Court DECLARES Qiu to be a "child" within the meaning of 8 U.S.C. § 1101(b)(1)(B); (4) Fourth, the Court ORDERS USCIS to reinstate the I-130 Petition unless the reversal of USCIS's revocation results in automatic reinstatement of the same; it is

ORDERED and ADJUDGED that the Government's motions to dismiss and for summary judgment are denied; that the Court, sua sponte, ENTERS partial judgment in favor of Qiu and Coniglio on their First and Second Claims for Relief. Celotex Corp. v. Catrett, 477 U.S. 317, 326 (1986); that Qiu and Coniglio are granted the following relief: **First**, the Court SETS ASIDE USCIS's decision to revoke its prior approval of Qiu and Coniglio's Form I-130 petition pursuant to 5 U.S.C. § 706(2)(A); **Second**, the Court DECLARES USCIS's interpretation of the phrase "had not reached the age of 18 years" in 8 U.S.C. § 1101(b)(1)(B) to be contrary to law and ENJOINS USCIS from adjudicating Qiu and Coniglio's petition based upon its unlawful interpretation; **Third**, the Court DECLARES Qiu to be a "child" within the meaning of 8 U.S.C. § 1101(b)(1)(B); **Fourth**, the Court ORDERS USCIS to reinstate the I-130 Petition unless the reversal of USCIS's revocation results in automatic reinstatement of the same; and that the terms of the preceding Order do not bind the United States Department of State, its Foreign Service, or any consular employee.

Dated: Brooklyn, NY  
August 25, 2021

Douglas C. Palmer  
Clerk of Court

By: /s/Jalitza Poveda  
Deputy Clerk